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consider his representation and modify the Regulation accordingly.

The Member also referred to the Dewan's reply at the Sixth Session to the representation of a *Jenmi* Member, and he requested that the enquiry therein promised might be ordered without delay, in view to ameliorate the condition of the *Jenmies*.

The Very Revd. Eippa Thoma Kathanar (Member Thiruvalla Taluk) said that the requests of the Brahmin and other *Jenmies* of Travancore were unjust and contrary to usage. He first referred to Mr. Eravithayar Pandarathil's request for the appointment of a *Jenmi* Member in the Legislative Council and said that, if that was going to be done, another Member to represent the interests of the *Kudiyans* or tenants should be simultaneously appointed.

Referring next to the modifications suggested in the Jenmi and Kudiyan Regulation, he stated that the Regulation was passed as the result of mature consideration, and it contained very wholesome provisions calculated to protect the interests alike of the *Jenmies* and the *Kudiyans*, and that the requests of individual *Jenmies* to make piecemeal modifications should not be considered. The Regulation was based upon a Proclamation of 1042, which itself came to be issued at a time when the beginnings of differences between the *Jenmies* and the *Kudiyans* were first seen. Till that year, both the *Jenmies* and the *Kudiyans* moved very amicably. Later on, the differences grew into litigation in the Courts, and so, as the result of an elaborate enquiry into the relations between the *Jenmies* and the *Kudiyans* and the nature of the transactions between them, a Regulation was passed in 1071. That Regulation had been so far working very well. He therefore said that there was no necessity for amending the Regulation in any respect.

Dewan's reply.—Noted.

Repeal of Regulations I and IV of 1010.

Mr. S. Ganapathy Pillai (Member, Trivandrum Trading Classes) explained the origin of the two Regulations of 1010, and said that a perusal of the statute book of the country would show that most of the Regulations passed up to the year 1073 had been modified, if not completely repealed. Regulations I and IV of 1010 were no exception to the rule, and all that remained unrepealed of these Regulations were Section 7 and the 5th clause of Section 17 of the former, and Section 21 of the latter. The Member quoted these Sections *in extenso* and stated that, though these Regulations were intended to define the jurisdiction of the

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Munsiffs and for extending the jurisdiction of Zillah Judges respectively, the provisions of the two Regulations were made binding on all Courts by the decisi of the High Court. He remarked that it was strange t these provisions alone remained intact, while almost the Regulations passed between 1010 and 1073 had b repealed or modified to suit the altered conditions of times. The protection given by these Sections to b rowers of money might have been deemed necessary at time the Regulations were passed, when there was no tensive trade, nor much scope for investment of money profitable concerns. The low state of education amo the people at the time might have been another probab reason. But conditions had immensely changed in these directions, so that the chances of the borrower bein dominated by the lender were almost *nil*. Modern bus ness conditions made the banker and the money lender *sine qua non* in the evolution of trade, and it was therefo incumbent upon the Government to see that they wer placed on a firm and secure position, so as to ensu the development and prosperity of trade. The Memb contended that adequate support was not given to the mon lender in the State, in as much as he was not allowed claim any higher rate of interest that 12 per cent, ev when the debtor had of his own free will promised to pay higher interest. Freedom of contract was a recognis feature of the legal systems of all civilized communiti and it was respected by the Courts in all cases. But i awarding interest, that freedom was not respected. It w an anomaly and led to malpractices in both the lender an the borrower. While the lender might take, at the time lending, the excess rate of interest which would not b decreed by the Courts, and give the borrower onl the remainder, the borrower could put off paymer indefinitely and seek shelter under the existing Regu lations from payment of any amount higher than half th principal as interest. The object of the law was thu frustrated, and such abuses lowered the level of honest and confidence, the two essential virtues which must preva among the mercantile community. In British India, th contract rate was allowed, however high it might be. I Cochin, interest was allowed on court costs also. Th restriction that not more than half the principal should b decreed as interest also did not find a place in British India The Member then proceeded to explain how the repeal of the Regulations would not in any way affect prejudicially the interests of the debtors and said that, except in extreme cases of usurious interest in which the Courts

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could, in the exercise of their discretion, protect the borrowers, as in British India, freedom of contract should be allowed as much in the matter of money-lending as in all other matters. He therefore earnestly prayed for the repeal of the two Regulations at an early date.

Dewan's reply.—The matter will be enquired into.

Necessity for legislation on the questions of inheritance and succession among Christians.

Mr. K. M. Mathula Mapilla (Member, Nominated) said that, though this subject had been brought before the Assembly on many previous occasions, the importance of the question and the unanimous request of the Travancore and Cochin Christian Association prompted him to bring it up once more. The large volume of litigation, due to the absence of a recognised system of inheritance, and the consequent waste of money which such litigation meant to the Christians, was the cause of the subject being repeatedly brought to the notice of the Government by many a Christian Member. The customs obtaining among the Christians in this matter varied, and they were often conflicting. The Syrian Christians were the most ancient community among the Christians in Travancore, and the uniformity of the customs among them had been disorganised by the progress of time and the growth of various sub-sects among them. But the diversity of the customs among the other Christian communities was far more complex than among the Syrians. The former being mostly converts from Hindus, their custom was a curious admixture of their original system of inheritance, with the practice of the particular sect of Christianity which they had joined, and that of the neighbouring Syrian Christians. The decisions of the Courts, often contradictory among themselves and contrary to usage and custom, made matters worse. But the judiciary could not also be blamed for this, for their decisions had to be based upon usage, which again depended upon the sort of oral evidence adduced; and it was very easy to adduce evidence in favour of any and every one of the numerous customs prevailing among the different sections of the Native Christians. The judges often found it difficult to decide between conflicting evidence brought to light by both the contending parties in a case. In support of his statement, the Member referred to the opinion of the High Court Judges who had stated in one of their decisions that legislation was necessary, as the community itself had no definite opinion as to what the custom was, nor was the evidence elicited clear on the point. The Member therefore requested the Government to appoint a Commission, composed of the leading men of the Christian community,

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